

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
2008 JUL 10 AM 9:48

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marcos PERES-Miranda

Defendant.

Magistrate Case No. 08 MJ 2084  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY  
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the  
United States

'08 MJ 2084

The undersigned complainant, being duly sworn, states:

On or about, **December 8, 2007**, within the Southern District of California, defendant **Marcos PERES-Miranda**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*D. Wooday*

SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent;  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **July 2008**.

*U. McBurnie*  
UNITED STATES MAGISTRATE JUDGE

etc.

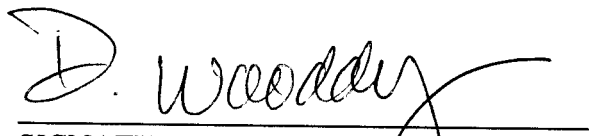
**PROBABLE CAUSE STATEMENT**

On **December 8, 2007**, the defendant identified as, **Marcos PERES-Miranda** was arrested by the Escondido Police Department in Escondido, California for violation of Health and Safety Code 11377(A) (POSSESSION OF A CONTROLLED SUBSTANCE) and booked into County Jail where an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from county jail.

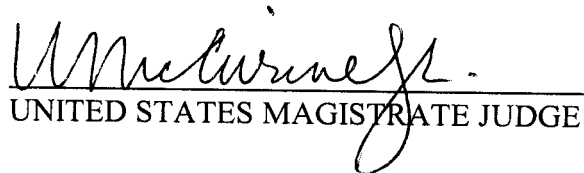
On July 9, 2008, the defendant was referred to United States Immigration and Customs Enforcement (ICE), Field Office in San Diego, California. An Immigration Enforcement Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant **Marcos PERES-Miranda** has been ordered removed from the United States by an Immigration Judge on or about February 14, 2006 and removed to Mexico, via the Calexico, Port of Entry on February 14, 2006 and removed to Mexico that same day. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as **Marcos PERES-Miranda**, a citizen and national of Mexico.

  
SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent;  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **July 2008**.

  
UNITED STATES MAGISTRATE JUDGE